

# EXHIBIT 1

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September 4, 2007

The Honorable Alvin K. Hellerstein  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Room 1050  
New York, NY 10007

Re: Forest Laboratories, Inc. v. Nissen  
Civil Action No. 07 Civ. 7399

Dear Judge Hellerstein:

This office represents defendant Leif Nissen in the above-entitled action.

We are in receipt of an Order to Show Cause issued August 22, 2007, directing Mr. Nissen to appear on September 11 at 11:45 a.m. and show cause why an order should not be issued enjoining Mr. Nissen, during the pendency of the above-entitled action, from using the domain name "lexipro.com" in any manner.

We are writing to advise the Court that Mr. Nissen consents to the requested preliminary injunctive relief. There is, thus, in our view no need for a preliminary injunction hearing on September 11.

Today for the first time, plaintiff's counsel, Mr. Serbagi, informed me that the Court had supposedly scheduled this case for a jury trial to commence on September 11, apparently on the basis of some ex parte request made by plaintiff. We respectfully submit that any such premature trial would be unwarranted and fundamentally unfair to Mr. Nissen.

Mr. Nissen registered the domain name lexipro.com more than five (5) years ago and held it without incident until a third-party, Parked.com, LLC of Tampa, Florida ("PDC"), began using the name in association with certain PDC-generated "web pages" (since taken down) that plaintiff contends were unlawful. Mr. Nissen has no interest in or control over PDC and had no reason to believe that PDC would engage in activity that infringed any rights of this plaintiff or anyone else. PDC solicits owners of domain

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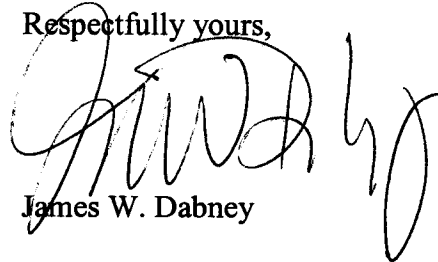
names and told Mr. Nissen that it, PDC, would pay him token amounts if Mr. Nissen "parked" the name lexipro.com with PDC and permitted PDC to use it.

Mr. Nissen is an individual resident of St. Petersburg, Florida, and operates a small web hosting business out of his home called Properhosting.com. We are unaware of any basis on which Mr. Nissen could properly be required to litigate in New York whether his registration of lexipro.com in 2002 or his more recent interaction with PDC in Florida renders him liable to this plaintiff on any of the numerous theories pleaded by plaintiff. So far as we are aware, all of the plaintiff's contacts with Mr. Nissen have been initiated by the plaintiff and did not come until more than five years after Mr. Nissen had registered the disputed domain name.

The domain name "lexipro" is highly suggestive of the words law and professional and is believed by Mr. Nissen to have substantial lawful, non-infringing uses. Mr. Nissen vigorously denies and disputes plaintiff's allegations of bad faith. It would appear, indeed, that by seeking a trial on September 11 (and not informing Mr. Nissen of this until September 4), the plaintiff seeks to prevent any meaningful test of the merits of its purported claims and whatever might be its theories of jurisdiction and venue.

In consenting to the requested preliminary injunctive relief, Mr. Nissen respectfully reserves his objections to the appropriateness of the plaintiff's purported claims against him being litigated in New York rather than Florida, where Mr. Nissen and PDC are both located.

Respectfully yours,

A handwritten signature in dark ink, appearing to read "J. W. Dabney", written over the typed name.

James W. Dabney

cc: Christopher Serbagi, Esq.